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JUDGES DEBATE FUTURE OF AMERICAN COURTS

ANNCR:

AT A CONFERENCE IN SAINT PAUL, MINNESOTA, AMERICA'S TOP JUDGES, LAWYERS AND LEGAL SCHOLARS ARE DISCUSSING THE FUTURE OF THE JUDICIAL SYSTEM OF THE UNITED STATES. VOA'S CHRIS KERN IS THERE AND HAS THIS REPORT.

VOICE:

A FRENCH OBSERVER WRITING IN THE NINETEENTH CENTURY SAID THAT HARDLY ANY POLITICAL QUESTION EVER ARISES IN AMERICA WITHOUT ARRIVING SOONER OR LATER FOR RESOLUTION IN THE COURTS. THAT TENDENCY TO TURN GREAT SOCIAL ISSUES INTO LEGAL ISSUES WAS NEVER MORE APPARENT THAN IN THE CIVIL RIGHTS AND CIVIL LIBERTIES CASES OF THE LAST TWO DECADES. BUT A DEBATE IS NOW DEVELOPING AMONG AMERICAN LAWYERS ABOUT WHETHER THE TIME HAS COME TO RESTRICT THE NUMBER AND TYPES OF CASES THAT THE COURTS DECIDE.

AT A CONFERENCE HERE ON THE CAUSES OF PUBLIC DISSATISFACTION WITH THE JUDICIAL SYSTEM, U.S. CHIEF JUSTICE WARREN BURGER SUGGESTED THAT RADICAL CHANGES MAY BE NECESSARY TO PROTECT THE FEDERAL COURT SYSTEM FROM A DELUGE OF LAWSUITS THAT THREATENS TO CLOG THE JUDICIAL MACHINERY. SOME OF THOSE CASES SEEM COMPLETELY FRIVOLOUS LIKE A RECENT CHALLENGE TO A POSTAL SERVICE PLAN TO ISSUE A COMMEMORATIVE STAMP HONORING ALEXANDER GRAHAM BELL ON THE GROUNDS THAT BELL WASN'T REALLY THE INVENTOR OF THE TELEPHONE.

BUT INNOVATIVE USE OF THE COURTS HAS ALSO PERMITTED AMERICAN LAWYERS TO INCREASE THE LEGAL PROTECTION AVAILABLE

TO THIS COUNTRY'S BLACK MINORITY, STOP THREATS BY PRIVATE INDUSTRY TO THE ENVIRONMENT, AND PROTECT THE RIGHTS OF THOSE ACCUSED OF CRIMES. THE COURTS MAY, IN FACT, HAVE BEEN USED TO RESOLVE ISSUES THAT THEY ARE NOT EQUIPPED TO HANDLE. BUT TO MANY PUBLIC INTEREST ORGANIZATIONS INCLUDING THE AMERICAN CIVIL LIBERTIES UNION, THE SUGGESTION THE LEGAL SYSTEM SHOULD DECIDE FEWER CASES WOULD DEPRIVE THE ORDINARY CITIZEN OF THE BEST PROTECTION OF HIS RIGHTS.

CHIEF JUSTICE BURGER SAID HIS CALL FOR REFORM SHOULDN'T BE INTERPRETED AS AN ATTEMPT TO SLOW DOWN THE GROWTH OF FUNDAMENTAL RIGHTS. ANY SUGGESTION TO THAT EFFECT, HE SAYS, IS NONSENSE. HE ALSO DEFENDS THE SUPREME COURT AGAINST CHARGES THAT IT HAS ATTEMPTED TO LIMIT THE DEVELOPMENT OF CONSTITUTIONAL RIGHTS IN THE YEARS SINCE HE'S PRESIDED OVER IT, CITING SUCH DECISIONS AS ITS EXPANSION OF THE RIGHTS OF PRISONERS.

BUT THE AMERICAN CIVIL LIBERTIES UNION AND OTHER BURGER CRITICS, SAY THAT ACCESS TO THE COURTS NEEDS TO BE INCREASED, NOT RESTRICTED, IN ORDER TO AVOID PERPETUATING THE HANDICAP THAT INDIVIDUAL CITIZENS ARE UNDER IN THEIR DISPUTES WITH GOVERNMENT AND BUSINESS CORPORATIONS. JUDGE BURGER'S SUGGESTED REFORMS, THEY ARGUE, WOULD AMOUNT TO A STEP BACKWARD.

THE ISSUE IS AS OLD AS AMERICAN GOVERNMENT, BUT IT HAS TAKEN ON A SPECIAL URGENCY WITH THE GROWTH OF SO-CALLED PUBLIC INTEREST LAW. THE CENTRAL QUESTION IS TO WHAT EXTENT AMERICANS SHOULD RELY ON THEIR ELECTED REPRESENTATIVES TO PROTECT THEIR BASIC RIGHTS AND TO WHAT EXTENT THEY SHOULD BE ABLE TO RELY ON INTERVENTION BY THE COURTS WHEN THEY THINK THEIR ELECTED REPRESENTATIVES HAVE FAILED THEM.

JS/CAK